

DAC #6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Applicant: Donald C. Mann (as corrected)

JUN 09 2004

Assignee: UltraCard, Inc.

OFFICE OF PETITIONS

Title: Data Storage Device, Apparatus and Method for
Using Same

Serial No.: 09/693,271 File Date: 10/20/2000

Examiner: Not Yet Assigned Art Unit: 2185

Docket No.: ULT-001-1

Date: June 3, 2004

Mail Stop Petition (Attention Examiner Cliff Congo)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Dear Sir:

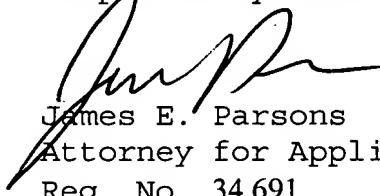
A petition to revive this abandoned patent application was mailed to the Office of Petitions on January 21, 2004. The undersigned spoke to Examiner Congo by telephone on May 25, 2004, and Examiner Congo stated that a decision on the petition has not been issued, but that **the fee associated with the petition has been charged to deposit account 50-0574** (a copy of the statement showing the charges is enclosed. Accordingly, it is assumed that the petition for the present case is misplaced at the Office.

Accordingly, enclosed herewith is a copy of all documents submitted with the original Petition, including a stamped Return Receipt Postcard showing that the Petition was received at the Office on January 23, 2004. Please issue a decision on the petition as soon as possible. **Please do not re-charge any fees**

to deposit account 50-0574 that already have been charged with respect to this petition. If, however, any appropriate fees were not previously charged, or constitute further charges not previously assessed, then such additional fees may be charged to deposit account 50-0574.

If there are any questions, please telephone the undersigned at 408 451-5906 to expedite prosecution of this case.

Respectfully submitted,



James E. Parsons
Attorney for Applicant
Reg. No. 34,691

Customer No.: 022888

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Petition (Attn. Ex. Cliff Congo), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 3, 2004.

6/3/2004 
Date Signature: Rebecca A. Baumann



United States
Patent and
Trademark Office

COPY

Return To
USPTO
Home
Page

Finance
Online
Shopping
Page

Deposit Account Statement

Requested Statement Month: January 2004
Deposit Account Number: 500574
Name: BEVER, HOFFMAN & HARMS, LLP
Attention: CARRIE REDDICK, OFFICE MANAGER
Address: 2099 GATEWAY PLACE
City: SAN JOSE
State: CA
Zip: 95110

| DATE | SEQ | POSTING REF | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|-----|-----------------|---------------------------|-------------|-------------|-------------|
| 01/02 | 185 | 10099520 | IDT-1704 | 1251 | \$110.00 | \$19,819.00 |
| 01/05 | 89 | 10746024 | BK-00004 | 1001 | \$770.00 | \$19,049.00 |
| 01/05 | 90 | 10746024 | BK-00004 | 1202 | \$360.00 | \$18,689.00 |
| 01/06 | 31 | 10746772 | HER-001 | 2001 | \$385.00 | \$18,304.00 |
| 01/06 | 32 | 10746772 | HER-001 | 2201 | \$86.00 | \$18,218.00 |
| 01/06 | 33 | 10746772 | HER-001 | 2202 | \$90.00 | \$18,128.00 |
| 01/08 | 15 | 10746024 | BK-00004 | 8021 | \$40.00 | \$18,088.00 |
| 01/08 | 32 | E-REPLENISHMENT | | 9203 | -\$5,000.00 | \$23,088.00 |
| 01/08 | 140 | 10194703 | NTI-001-1D | 1201 | \$344.00 | \$22,744.00 |
| 01/08 | 142 | 10215802 | M-12054 US | 1201 | \$172.00 | \$22,572.00 |
| 01/08 | 143 | 10215802 | M-12054 US | 1202 | \$324.00 | \$22,248.00 |
| 01/08 | 144 | 10215802 | M-12054 US | 1251 | \$110.00 | \$22,138.00 |
| 01/08 | 204 | 09838084 | IDT 1651 | 1252 | \$420.00 | \$21,718.00 |
| 01/08 | 377 | 10340492 | M-12074-1C U | 1501 | \$1,330.00 | \$20,388.00 |
| 01/08 | 378 | 10340492 | M-12074-1C U | 1504 | \$300.00 | \$20,088.00 |
| 01/08 | 379 | 10340492 | M-12074-1C U | 8001 | \$9.00 | \$20,079.00 |
| 01/09 | 3 | 09053140 | SYN0101 | 1803 | \$130.00 | \$19,949.00 |
| 01/09 | 4 | 09053140 | SYN0101 | 1504 | \$300.00 | \$19,649.00 |
| 01/09 | 46 | 09825724 | ERT-009 | 2251 | \$55.00 | \$19,594.00 |
| 01/09 | 47 | 09825724 | ERT-009 | 2201 | \$43.00 | \$19,551.00 |
| 01/09 | 92 | 10752636 | D&F-037 | 1001 | \$770.00 | \$18,781.00 |
| 01/09 | 93 | 10752636 | D&F-037 | 1202 | \$72.00 | \$18,709.00 |
| 01/12 | 45 | E-REPLENISHMENT | | 9203 | -\$5,000.00 | \$23,709.00 |
| 01/13 | 1 | PCT/US04/00349 | KLA-006F1 WO | 1601 | \$300.00 | \$23,409.00 |
| 01/13 | 2 | PCT/US04/00349 | KLA-006F1 WO | 1704 | \$1,818.00 | \$21,591.00 |
| 01/13 | 3 | PCT/US04/00349 | KLA-006F1 WO | 1701 | \$961.00 | \$20,630.00 |
| 01/13 | 4 | PCT/US04/00349 | KLA-006F1 WO | 1703 | \$198.00 | \$20,432.00 |
| 01/13 | 5 | PCT/US04/00349 | KLA-006F1 WO | 8007 | \$20.00 | \$20,412.00 |
| 01/14 | 265 | 10056321 | D&F-020 | 2501 | \$665.00 | \$19,747.00 |
| 01/14 | 266 | 10056321 | D&F-020 | 1504 | \$300.00 | \$19,447.00 |
| 01/14 | 267 | 10056321 | D&F-020 | 8001 | \$27.00 | \$19,420.00 |

| | | | | | |
|-----------|----------------|--------------|------|------------|-------------|
| 01/27 19 | 09693271 | 5580 413436/ | 2051 | \$65.00 | \$34,425.00 |
| 01/27 20 | 09693271 | 5580 413436/ | 2453 | \$665.00 | \$33,760.00 |
| 01/27 70 | 10217490 | SNSY-A1998-0 | 1202 | \$108.00 | \$33,652.00 |
| 01/27 71 | 10217490 | SNSY-A1998-0 | 1201 | \$86.00 | \$33,566.00 |
| 01/27 91 | 10154395 | TSL-109 | 1501 | \$1,330.00 | \$32,236.00 |
| 01/27 92 | 10154395 | TSL-109 | 1504 | \$300.00 | \$31,936.00 |
| 01/27 93 | 10154395 | TSL-109 | 8001 | \$6.00 | \$31,930.00 |
| 01/28 32 | 09663832 | ULT-010 | 2453 | \$665.00 | \$31,265.00 |
| 01/28 33 | 09663832 | ULT-010 | 1806 | \$180.00 | \$31,085.00 |
| 01/28 39 | 09663659 | 5573-413436/ | 2453 | \$665.00 | \$30,420.00 |
| 01/28 40 | 09663659 | 5573-413436/ | 1806 | \$180.00 | \$30,240.00 |
| 01/29 26 | 29152434 | 5603 413436 | 2453 | \$665.00 | \$29,575.00 |
| 01/29 27 | 29152434 | 5603 413436 | 1806 | \$180.00 | \$29,395.00 |
| 01/29 28 | 29152434 | 5603 413436 | 2814 | \$55.00 | \$29,340.00 |
| 01/29 29 | 29152432 | ULT-007 | 2453 | \$665.00 | \$28,675.00 |
| 01/29 30 | 29152432 | ULT-007 | 2814 | \$55.00 | \$28,620.00 |
| 01/29 31 | 29152432 | ULT-007 | 1806 | \$180.00 | \$28,440.00 |
| 01/29 32 | 29152431 | ULT-006 | 2453 | \$665.00 | \$27,775.00 |
| 01/29 33 | 29152431 | ULT-006 | 2814 | \$55.00 | \$27,720.00 |
| 01/29 102 | 09491681 | CTV-001 | 2402 | \$165.00 | \$27,555.00 |
| 01/29 105 | 10760024 | ATH-0116 | 8021 | \$40.00 | \$27,515.00 |
| 01/29 152 | PCT/US04/01860 | ATH0114-1PF2 | 1601 | \$300.00 | \$27,215.00 |
| 01/29 153 | PCT/US04/01860 | ATH0114-1PF2 | 1602 | \$1,000.00 | \$26,215.00 |
| 01/29 154 | PCT/US04/01860 | ATH0114-1PF2 | 1701 | \$961.00 | \$25,254.00 |
| 01/29 155 | PCT/US04/01860 | ATH0114-1PF2 | 1703 | \$385.00 | \$24,869.00 |
| 01/29 156 | PCT/US04/01860 | ATH0114-1PF2 | 8007 | \$60.00 | \$24,809.00 |
| 01/29 257 | PCT/US04/01974 | UMX011-1PF1 | 1601 | \$300.00 | \$24,509.00 |
| 01/29 258 | PCT/US04/01974 | UMX011-1PF1 | 1602 | \$1,000.00 | \$23,509.00 |
| 01/29 259 | PCT/US04/01974 | UMX011-1PF1 | 1701 | \$961.00 | \$22,548.00 |
| 01/29 260 | PCT/US04/01974 | UMX011-1PF1 | 1703 | \$44.00 | \$22,504.00 |
| 01/29 261 | PCT/US04/01974 | UMX011-1PF1 | 8007 | \$40.00 | \$22,464.00 |
| 01/29 358 | 29153431 | 46475. | 2502 | \$240.00 | \$22,224.00 |
| 01/29 359 | 29153431 | 46475. | 8001 | \$6.00 | \$22,218.00 |
| 01/29 444 | 09263978 | ADV-001 | 2501 | \$665.00 | \$21,553.00 |
| 01/29 445 | 09263978 | ADV-001 | 8001 | \$6.00 | \$21,547.00 |
| 01/30 6 | 10013396 | M-11317 US | 1501 | \$1,330.00 | \$20,217.00 |
| 01/30 7 | 10013396 | M-11317 US | 8001 | \$3.00 | \$20,214.00 |
| 01/30 8 | 10013396 | M-11317 US | 1460 | \$130.00 | \$20,084.00 |
| 01/30 28 | 60539426 | TSL-130(PRV) | 1005 | \$160.00 | \$19,924.00 |
| 01/30 40 | 09693271 | ULT-001-1 | 8021 | \$40.00 | \$19,884.00 |
| 01/30 67 | 5543668 | CAT-02790 | 2552 | \$1,045.00 | \$18,839.00 |
| 01/30 68 | 5548551 | CAT-02798 | 2552 | \$1,045.00 | \$17,794.00 |
| 01/30 119 | 10765697 | INFMN-003 | 1001 | \$770.00 | \$17,024.00 |
| 01/30 141 | 10664792 | ATH-0133 | 2001 | \$385.00 | \$16,639.00 |
| 01/30 142 | 10664792 | ATH-0133 | 2051 | \$65.00 | \$16,574.00 |
| 01/30 143 | 10664792 | ATH-0133 | 2201 | \$344.00 | \$16,230.00 |
| 01/30 144 | 10664792 | ATH-0133 | 2202 | \$36.00 | \$16,194.00 |
| 01/30 198 | 09923834 | M-10966US | 1252 | \$420.00 | \$15,774.00 |
| 01/30 310 | 10361123 | UMX-013 | 2501 | \$665.00 | \$15,109.00 |
| 01/30 311 | 10361123 | UMX-013 | 1504 | \$300.00 | \$14,809.00 |
| 01/30 312 | 10361123 | UMX-013 | 8001 | \$6.00 | \$14,803.00 |



Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

1st Inventor: Donald C. Mann (as corrected)
Serial No.: 09/693,271 Filed: 10/20/2000
Assignee: UltraCard, Inc.
Title: "Data Storage Device, Apparatus And Method For Using Same"

Dkt. No: ULT-001-1

ENCLOSED:
1 page - Transmittal Form
1 page - Fee Transmittal (PTO/SB/17) - in duplicate
1 page - Petition For Revival (PTO/SB/64)
1 page - copy of executed Power of Attorney By Assignee...With Revocation of Prior Powers
plus 3 pgs. Assignment signed by Mann & Cook, Jr.
1 page - Response To Missing Parts dated 10/14/2000 including copy of Notice To File Missing
Parts (1 pg) & Request to correct Filing Receipt (marked-up Filing Receipt included)
2 pages - Supplemental Application Data Sheet
1 page - copy of executed Declaration For Patent Application
5 pages - Recordation Form Cover Sheet & copy of executed Assignment
2 pages - Information Disclosure Statement plus 14 pages 1449 and 186 copies of cited references
return receipt Postcard

JEP :cr

Date Mailed: 1/21/2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1st Inventor: Donald C. Mann (as corrected)
Serial No.: 09/693,271 Filed: 10/20/2000
Assignee: UltraCard, Inc.
Title: "Data Storage Device, Apparatus And Method For Using Same"

Dkt. No: ULT-001-1

RECEIVED
FEB 02 2004
BEVER, HOFFMAN & HALL
ENCLOSED:
1 page - Transmittal Form
1 page - Fee Transmittal (PTO/SB/17) - in duplicate
1 page - Petition For Revival (PTO/SB/64)
1 page - copy of executed Power of Attorney By Assignee...With Revocation of Prior Powers
plus 3 pgs. Assignment signed by Mann & Cook, Jr.
1 page - Response To Missing Parts dated 10/14/2000 including copy of Notice To File Missing
Parts (1 pg) & Request to correct Filing Receipt (marked-up Filing Receipt included)
2 pages - Supplemental Application Data Sheet
1 page - copy of executed Declaration For Patent Application
5 pages - Recordation Form Cover Sheet & copy of executed Assignment
2 pages - Information Disclosure Statement plus 14 pages 1449 and 186 copies of cited references
return receipt Postcard

JEP :cr

Date Mailed: 1/21/2004



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|----|------------------------|-------------------------------|
| | | Application Number | 09/693,271 |
| | | Filing Date | 10/20/2000 |
| | | First Named Inventor | Donald C. Mann (as corrected) |
| | | Art Unit | 2185 |
| | | Examiner Name | Not Yet Assigned. |
| Total Number of Pages in This Submission | 35 | Attorney Docket Number | ULT-001-1 |

ENCLOSURES (check all that apply)

| | | |
|--|---|--|
| <input checked="" type="checkbox"/> Petition For Revival (PTO/SB/64) | <input checked="" type="checkbox"/> Assignment Papers <i>(for an Application)</i> | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Request To Amend Drawings | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Response | <input type="checkbox"/> Redline Drawings | <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> |
| <input type="checkbox"/> Response To Office Action | <input checked="" type="checkbox"/> Power of Attorney, By Assignee to Exclusion of Inventor Under 37 CFR 3.71 With Revocation of Prior Powers | <input type="checkbox"/> Proprietary Information |
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Statement Under 37 CFR 3.73(b) | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Deposit Account 50-0574 | <input type="checkbox"/> Request for Refund | <input checked="" type="checkbox"/> Additional Enclosure(s) <i>(please identify below):</i> |
| <input checked="" type="checkbox"/> Information Disclosure Statement including 1449 and copies of cited references | <input type="checkbox"/> Extension of Time Request | Return-receipt postcard |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input checked="" type="checkbox"/> Application Data Sheet (Supplemental) | |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input checked="" type="checkbox"/> Notice to File Missing Parts under 37 CFR 1.53(b) | | |
| <input checked="" type="checkbox"/> copy of executed Declaration For Patent Application | | |

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

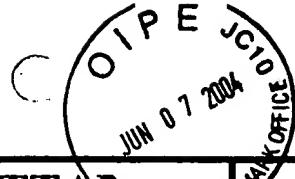
| | |
|-------------------------|---|
| Firm or Individual name | James E. Parsons, Reg. No. 34,691, BEVER, HOFFMAN & HARMS, LLP (Customer No. 022888). |
| Signature | |
| Date | January 21, 2004 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|----------------|------|------------------|
| Typed or printed name | Carrie Reddick | | |
| Signature | | Date | January 21, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FEE TRANSMITTAL****for FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 C.F.R. § 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 730.00)*Complete if Known*

| | |
|------------------------|-------------------------------|
| Application Number | 09/693,271 |
| Filing Date | 10/20/2000 |
| First Named Inventor | Donald C. Mann (as corrected) |
| Examiner Name | Not Yet Assigned |
| Art Unit | 2185 |
| Attorney Docket Number | ULT-001-1 |

METHOD OF PAYMENT (check one)

1. The Director is authorized to charge indicated fees and credit any over payments to:

Deposit Acct. No. **50-0574 (Docket No. ULT-001-1)**Deposit Acct Name **Bever, Hoffman & Harms, LLP**

- Charge Any Additional Fee Required Under 37 CFR § 1.16 & 1.17

2. Payment Enclosed:

 Check Credit Card Money Order Other
FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|-----------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 1051 | 130 | 2051 | 65 |
| 1052 | 50 | 2052 | 25 |
| 1053 | 130 | 1053 | 130 |
| 1812 | 2,520 | 1812 | 2,520 |
| 1804 | 920* | 1804 | 920* |
| 1805 | 1,840* | 1805 | 1,840* |
| 1251 | 110 | 2251 | 55 |
| 1252 | 420 | 2252 | 210 |
| 1253 | 950 | 2253 | 475 |
| 1254 | 1480 | 2254 | 740 |
| 1255 | 2,010 | 2255 | 1,005 |
| 1401 | 330 | 2401 | 165 |
| 1402 | 330 | 2402 | 165 |
| 1403 | 290 | 2403 | 145 |
| 1451 | 1,510 | 1451 | 1,510 |
| 1452 | 110 | 2452 | 55 |
| 1453 | 1,330 | 2453 | 665 |
| 1501 | 1,330 | 2501 | 665 |
| 1502 | 480 | 2502 | 240 |
| 1503 | 640 | 2503 | 320 |
| 1460 | 130 | 1460 | 130 |
| 1807 | 50 | 1807 | 50 |
| 1806 | 180 | 1806 | 180 |
| 8021 | 40 | 8021 | 40 |
| 1809 | 770 | 2809 | 385 |
| 1810 | 770 | 2810 | 385 |
| 1801 | 770 | 2801 | 385 |
| 1802 | 900 | 1802 | 900 |

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**Extra Claims Fee from below Fee Paid
Total Claims **-20** =** **x** **=**Independent Claims **-3** =** **x** **=**Multiple Dependent **=**

** or number previously paid, if greater; For Reissues, see below

Other fee (Specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 730.00)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
ULT-001-1

First named inventor: Donald C. Mann (as corrected)

Application No.: 09/693,271

Art Unit: 2185

Filed: 10/20/2000

Examiner: Not Yet Assigned

Title: "Data Storage Device, Apparatus and Method for Using Same"

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal Disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design application; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- Small entity – fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 C.F.R. § 1.27.
 Other than small entity – fee \$ 1300.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above noted Office action in the form of
Response To Notice To File Missing Parts of Nonprovisional Application (mailed 12/14/2000) (identify type of reply):

- has been filed previously on _____
 is enclosed herewith.

- B. The issue fee of \$ _____

- has been paid previously on _____
 is enclosed herewith.

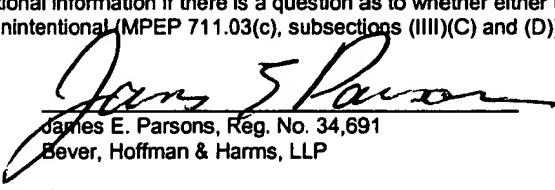
3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
 A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The USPTO may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

Date: January 21, 2004

Customer No. 022888


James E. Parsons, Reg. No. 34,691
Bever, Hoffman & Harms, LLP

Enclosures: Fee Payment Response To Missing Parts Reply Terminal Disclaimer Form
 Additional Sheets establishing unintentional delay Other: see Transmittal sheet enclosed

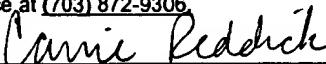
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

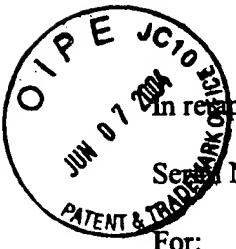
I hereby certify that this correspondence is being:

deposited with the US Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the U.S. Patent and Trademark Office at (703) 872-9306.

January 21, 2004
Date

Signature: 
Name: Carrie Reddick

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Donald C. Mann et al. (as corrected) Group No.: 2185
 Serial No.: 09/693,271 Filed: 10/20/2000
 For: Data Storage Device, Apparatus, and Method for Using Same

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF MISSING PARTS

- I. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed on October 14, 2000. A copy of the Notice to File Missing Parts is enclosed.

CORRECTION OF INVENTORSHIP PURSUANT TO 37 CFR 1.48(f)(1) AND SUBMISSION OF INVENTOR DECLARATION OR OATH

- II. The application as filed included an unsigned inventor declaration that listed four inventors. Two of the four listed inventors, William Zeissner and Robert L. Parkinson, were incorrectly named. The correct inventors are Donald C. Mann and Bert D. Cook. Enclosed is the original declaration or oath for this application, as signed by Donald C. Mann and Bert D. Cook.

ENTITY STATUS

- III. Applicant is a large / small entity.

REQUEST FOR CORRECTED FILING RECEIPT

- IV. Attached is a copy of the official filing receipt for which issuance of a corrected filing receipt is respectfully requested. Inventors William Zeissner and Robert L. Parkinson were incorrectly named and should be deleted.

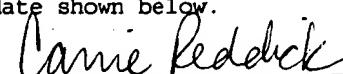
TOTAL FEE DUE

- V. The total fees due are: \$65.00. Please charge Deposit Account No. 50-0574 for these fees and any additional fees that may be due by this paper.

Customer No. 022888


 James E. Parsons, Reg. No. 34,691
 Telephone (408) 451-5906

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date: January 21, 2004 Signature: 
 Name: Carrie Reddick



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/693,271 | 10/20/2000 | William Zeissner | 5580 413436/100 |

Daniel J Meaney Jr Esq
PO Box 22307
Santa Barbara, CA 93121



FORMALITIES LETTER



OC00000005619384

Date Mailed: 12/14/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

[Signature]
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|--------------------|----------|------------|------------|
| 09/693,271 | 10/20/2000 | 2185 | 1055 | 5580 413436/100 | 23 | 80 | 7 |

Daniel J Meaney Jr Esq
PO Box 22307
Santa Barbara, CA 93121



FILING RECEIPT



OC00000005619383

Date Mailed: 12/14/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (If appropriate).

Applicant(s)

William Zeissner, Fountain Valley, CA ;
 Robert L. Parkison, Placentia, CA ;
 Donald C. Mann, Thousand Oaks, CA ;
 Bert D. Cook JR., Morgan Hill, CA ;

Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/161,302 10/23/1999

Foreign Applications

If Required, Foreign Filing License Granted 12/13/2000

**** SMALL ENTITY ****

Title

Data storage device, apparatus and method for using same

Preliminary Class

711